

OCT 11 2006

PTO/SB/64 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

DRF-3.0-051-US

First named inventor: Weibel et al.

Application No.: 09/450,609

Art Unit: 1617

Filed: November 30, 1999

Examiner: Jennifer M. Kim

Title: NEW PHARMACEUTICAL COMPOSITION AND THE PROCESS FOR ITS PREPARATION

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of RESPONSE (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith.

10/12/2006 CNGUYEN 00000029 503221 09:50609

B. The issue fee and publication fee (if applicable) of \$ 01 FC:1453 1500.00 DA

☐ has been paid previously on _____
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Milagros A. Cepeda
Signature

OCTOBER 9, 2006

Date

Milagros A. Cepeda

Typed or printed name

33,365

Registration Number, if applicable

Dr. Reddy's Laboratories, Inc., 200 Somerset Corporate Blvd.,

Address

908-203-6505

Telephone Number

7th Floor, Bridgewater, New Jersey 08807

Address

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

October 10, 2006

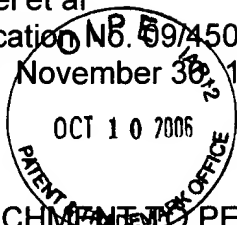
Date

Joan Anisiewski
Signature

Typed or printed name of person signing certificate

Weibel et al
Application No. 09/450,609
Filed: November 30, 1999

Art Unit 1617
Examiner: Jennifer M. Kim



ATTACHMENT TO PETITION FORM PTO/SB/64

It is believed that the subject application became abandoned on July 26, 2006 for failure to file a reply to the Office Letter mailed on January 26, 2006. Following is a statement of the facts relating to the nonpayment, as determined by the undersigned from reviewing the file for this application that is present at Dr. Reddy's Laboratories, Inc.

Responsibility for prosecuting the subject application was transferred from the firm Ladas & Parry to the Patent Prosecution Group of Dr. Reddy's Laboratories, Inc. during June of 2005. However, since a Power of Attorney had not been filed, the Office Letter mailed on January 26, 2006 was mailed to Novo Nordisk. The Office Action was forwarded by email to Dr. Reddy's Laboratories, Inc. on or about February 6, 2006 to the undersigned, Ms. Cepeda, the attorney at Dr. Reddy's Laboratories, Inc. that was given responsibility for further prosecution of this application. The undersigned forwarded the email to Dr. Reddy's docket clerk, Ms. Gagliano, and requested that she prepare a Power of Attorney. The Power of Attorney was prepared and was filed on April 4, 2006. However, Ms. Gagliano did not docket the Office Action in Ms. Cepeda's docket. Ms. Gagliano left Dr. Reddy's Laboratories, Inc. on or about July 7, 2006. The undersigned was traveling to Dr. Reddy's Laboratories, Inc. Research Center in India from July 2 and did not return to the Office until August 8, 2006.

The matter of the reply to the Office Letter was not recognized until on or about August 20, 2006. A Notice of Abandonment for failure to reply to the Office Letter mailed on January 26, 2006 was mailed to Dr. Reddy's Laboratories, Inc. on September 11, 2006.

Dr. Reddy's Laboratories, Inc. has a new docket clerk and it is expected that the established internal procedures for recording the receipt of official communications and entering dates for taking action into the computer docketing system will be observed.

The petition fee under 37 C.F.R. § 1.17(m) in the amount of \$1,500.00 should be charged to **Deposit Account No. 50-3221** in the name of Dr. Reddy's Laboratories, Inc., and a duplicate of this page is enclosed for that purpose.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Milagros A. Cepeda".

Dated: October 9, 2006

Milagros A. Cepeda
Reg. No. 33,365